

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, July 22, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth, Interim CEO
 COUNTY COUNSEL Benjamin P. de Mayo
 CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Silva, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-42)

41235 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 7 WHICH RECEIVED A NO VOTE FROM SUPERVISOR NORBY; ITEM 10 WHICH WAS CONTINUED TO 7/29/03, 9:30 A.M.; ITEM 19 WHICH WAS CONTINUED TO 8/5/03, 9:30 A.M.; ITEMS 21 & 42 WHICH WERE DELETED.; ITEMS 25, 28 & 34 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR CAMPBELL; AND ITEMS 9, 31 & 39 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Smith** - Waste Management Commission - Reappoint Clark Lehmann, Fountain Valley, for term ending 7/14/05

S U M M A R Y A C T I O N M I N U T E S

Chairman Wilson:

2. Emergency Medical Care Committee - Reappoint Peter F. Bastone, Mission Viejo, for term ending 6/30/05
3. Local Agency Formation Commission - Reappoint Supervisors Thomas W. Wilson and Jim Silva for terms ending 6/30/07
4. **Supervisor Campbell** - Orange County Cemetery District - Appoint William E. Nelson, Villa Park, for term ending 1/1/07

COMMENDATIONS/PROCLAMATIONS

5. **Chairman Wilson** - Adopt resolution recognizing Gerald Miller on his retirement as Executive Director of Mission San Juan Capistrano
RESO: 03-240

HEALTH CARE AGENCY

6. Approve letter of agreement with California Family Health Council, Inc. for 2003 California Infertility Prevention Project, 5/1/03 - 12/31/03 (\$4,456) - All Districts
7. Approve price agreement S1000000277 with Decade Software Company, LLC for licensing fees, professional services and maintenance, 8/1/03 - 7/31/04 (\$160,000 per year); renewable for two additional years - All Districts

41235 **APPROVED AS RECOMMENDED**
N

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Receive and file Title III E Family Caregiver Support Program Addendum of Area Plan, FY 2003-04 - All Districts
9. Approve amended agreement with FutureWorks for performance evaluation web-based service, 7/31/03 - 6/30/04 (\$45,600; new total \$93,600) - All Districts
- 43125 **APPROVED AS AMENDED; DIRECTED STAFF TO DELETE AUTOMATIC RENEWAL FROM AGREEMENT**
10. Approve Senior AIDES Sponsor Agreement for Senior Training and Employment Program, PY 2003 (\$212,537) - All Districts
- 41235 **CONTINUED TO 7/29/03, 9:30 A.M.**
11. Authorize issuance of request for proposals for operations of three County-owned community centers, El Modena, Anaheim Independencia and Midway City areas; and return to Board with recommendation for approval - Districts 1, 3 & 4
12. Approve amendment 2 to agreement KM01208 with Brea for Single Family Rehabilitation Program, extending term to 12/31/03 - District 3

S U M M A R Y A C T I O N M I N U T E S

INTEGRATED WASTE MANAGEMENT DEPARTMENT

13. Approve plans and specifications and set bid opening for 9/3/03, 2:00 p.m., for construction of storm water desilting basin at Frank R. Bowerman Landfill; and find that the project is covered by Negative Declaration No. 382 - District 3

PLANNING AND DEVELOPMENT SERVICES

14. Approve Tract 16342, DMB Ladera LLC and Shea Homes Limited Partnership, Ladera Ranch area; accept dedication for street purposes; accept easement for fuel modification access purposes; approve construction agreement S0503-0125 and accept bonds guaranteeing construction of improvements - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

15. Accept work with Angeles Contractor for ADA compliance remodeling and modifying, Hall of Finance & Records; project completed 5/30/03 (\$111,456) - District 1
16. Authorize release of security for private street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15441, John Laing Homes (California), Inc., Coto de Caza area - District 5
17. Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15869, K. Hovnanian at Rancho Santa Margarita, LLC, Rancho Santa Margarita - District 5
18. Approve agreements D03-017 and D03-019 with Orange for asphalt overlay resurfacing contracts for Chapman and Lincoln Avenues - District 3
19. Approve price agreement N1000005261 with Dr. Richard H. Evans for veterinary care for exotic, native and domestic animals at Orange County Zoo and Peter & Mary Muth Interpretive Park, 8/1/03 - 7/31/04 (\$35,000); renewable for two additional years - All Districts

41235 **CONTINUED TO 8/5/03, 9:30 A.M.**

20. Adopt resolution declaring a portion of Laurinda Lane within the City of Orange; and accept completed improvements for construction of Fairhaven storm drain; project completed 1/7/03 (\$439,231.20) - District 3
RESO: 03-241
 21. Approve amended agreement D02-130 with San Bernardino Flood Control District, Riverside County Flood Control and Water Conservation District, Santa Ana Watershed Project Authority and the California Regional Water Quality Control Board Santa Ana Region for assistance with Santa Ana Region Basin Plan Triennial Review - All Districts
- 41235 **DELETED**
22. Approve agreement D03-041 with Orange County Sanitation District to adjust manhole lids for the 2003-04 Street Resurfacing project; and make California Environmental Quality Act findings - Districts 2, 3 and 4

S U M M A R Y A C T I O N M I N U T E S

23. Authorize release of security for street improvements, street lights and monumentation, Tract 14991, Foothill Ranch Company, Lake Forest - District 5
24. Authorize release of security for street improvements, street lights and monumentation, Parcel Map 95-177, Foothill Ranch Company, Lake Forest - District 5
25. Approve Communications Site License agreement with Southern California Edison and Sprint PCS Assets, LLC for a wireless communications facility, Laguna Coast Wilderness Park - District 5 (4/5 vote)
- 41235 **APPROVED AS RECOMMENDED**
A **(Supervisor Campbell abstained from discussion and vote on this matter due to conflict arising from his ownership in publicly-held stock)**
26. Approve amended price agreement N1000004949 with CompuHope to increase and extend document scanning services for a period of one year (\$80,000); renewable for two additional years - All Districts
27. Receive and file Traffic Committee reports dated 5/15/03; approve recommendations; and adopt necessary resolution - Districts 2, 3 and 5
RESO: 03-242
28. Approve license agreement with Southern California Edison and Verizon Wireless for a wireless communications facility, Aliso and Wood Canyons Wilderness Park - District 5 (4/5 vote)
- 41235 **APPROVED AS RECOMMENDED**
A **(Supervisor Campbell abstained from discussion and vote on this matter due to conflict arising from his ownership in publicly-held stock)**
29. Approve agreement D03-042 with DMJM Harris for on-call engineering services associated with water quality projects (\$200,000) - District 5
30. Approve agreement D03-048 with Willdan for on-call services for bridge projects (\$300,000); and authorize Director or designee to execute two one-year extensions - All Districts
31. Adopt resolution approving Supplement to Disadvantaged Business Enterprise Program Annual Overall Goal and Methodology, FFY 2003-04 - All Districts
- 42135 **APPROVED AS RECOMMENDED**
RESO: 03-243
32. Adopt resolution approving agreement X03-5955(027) with Caltrans for receipt of State Matching Funds for various road projects (\$100,000); authorize Director or designee to execute future state match agreements; and make California Environmental Quality Act findings - All Districts
RESO: 03-244
33. **Acting as the Orange County Flood Control District** - Accept easement deed from Irvine for flood control purposes, San Joaquin Channel; and make California Environmental Quality Act findings - District 3

S U M M A R Y A C T I O N M I N U T E S

SOCIAL SERVICES AGENCY

- 34 . Approve purchase order Y0021424.03 with Oracle Corporation for software license renewal, subscription, and continued support (\$81,972.43) - All Districts
- 41235 **APPROVED AS RECOMMENDED**
A **(Supervisor Campbell abstained from discussion and vote on this matter due to conflict arising from his ownership in publicly-held stock)**
- 35 . Authorize submission of grant application to U.S. Department of Health and Human Services, Administration for Children and Families for services promoting healthy marriages and family formation (\$200,000) - All Districts
- 36 . Approve price agreements N1000005191 (\$15,849.86) and N1000005195 (\$40,080) with IBM Global Services for weekly ASCII Refresh Child Welfare Services/Case Management System, 7/1/03 - 6/30/04 - All Districts

PUBLIC PROTECTION

Sheriff-Coroner:

- 37 . Approve lease agreement with United States Forest Service for continued operation of Sierra Peak Communications Facility, unincorporated area, 20 year term; and make California Environmental Quality Act findings - District 3
- 38 . Approve amended price agreement N2000003087 with McNottingham Company, Inc. for septic tank pumping, cleaning and maintenance at various facilities, extending term to 8/31/03 (\$30,000; new total \$96,000) - All Districts

GENERAL ADMINISTRATION

County Executive Office:

- 39 . Approve proposed responses to FY 2002-03 Grand Jury Report entitled "Unresolved County Harassment Complaints" - All Districts (Continued from 6/17/03, Item 66)
- 52134 **APPROVED AS RECOMMENDED**
N
- 40 . Approve proposed response to findings 1-6 and recommendations 1-4 to FY 2002-03 Grand Jury Report "John Wayne Airport Security" - All Districts
- 41 . **Supervisor Smith** - Approve waiver of Liability Insurance requirements for Community Social Program Grant recipient Family Violence Project - "Children In Crisis Conference" (\$5,000)
- 42 . **Chairman Wilson** - Approve donation of surplus computer monitor to Laura's House; and make appropriate findings
- 41235 **DELETED**

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 43-58)

HOUSING AND COMMUNITY SERVICES DEPARTMENT

43. Approve amendment 5 to agreement 00-H222 with City of Hawthorne for job placement and retraining services to dislocated workers from aerospace, defense, and airline-related industries, 7/1/00 - 9/30/03 (\$250,000; new total \$4,016,912) - All Districts
B.O. **CONTINUED TO 7/29/03, 9:30 A.M.**
44. Approve amended Workforce Investment Act Cost Reimbursement agreements with La Habra (\$4,999.76; new total \$58,587); Garden Grove (\$5,072.60; new total \$27,785); TTI America, Inc. (\$6,499.46; new total \$91,567); Coast Community College District (\$5,499.08; new total \$162,534); Woodbell Inc. (\$5,000; new total \$85,000); Propath (\$197,338; new total \$1,393,013); and Practical Data Processing (\$5,500; new total \$95,500) to serve dislocated workers from aerospace and defense related industries, 6/30/03 - 9/30/03 - All Districts
31245 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

45. Select SCS Engineers as primary and Environmental Science Associates as alternate firms to provide on-call AB 939 compliance support services; and authorize negotiation of agreement for Board approval - All Districts
13245 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

46. Approve agreement D02-136 with Lake Forest for road operations and maintenance, 7/1/03 - 6/30/06; and authorize Manager of Operations and Maintenance to amend agreement under certain conditions not to exceed 25% - District 5
51234 **APPROVED AS RECOMMENDED**
47. Approve agreement D02-137 with Laguna Hills for road operations and maintenance, 7/1/03 - 6/30/08; and authorize Manager of Operations and Maintenance to amend agreement under certain conditions not to exceed 25% - District 5
52134 **APPROVED AS RECOMMENDED**
48. Approve agreement D03-052 with Mission Viejo for road operations and maintenance, 7/1/03 - 6/30/04; and authorize Manager of Operations and Maintenance to amend agreement under certain conditions not to exceed 25% - District 5
51234 **APPROVED AS RECOMMENDED**
49. Approve agreement D03-045 with Laguna Hills for maintenance and operation of City traffic signals, 7/1/03 - 6/30/08 (\$100,000 per year) - District 5
51234 **APPROVED AS RECOMMENDED**
50. Declare emergency and make appropriate findings pursuant to Public Contract Code Section 22050 and award emergency contract to JRH Construction, Inc. for repair of HVAC ductwork, Central Justice Center (\$273,408); set review to determine continuing need for emergency action for 8/5/03, 9:30 a.m., and every 14 days thereafter - District 1 (4/5 vote)
13245 **APPROVED AS RECOMMENDED**

S U M M A R Y A C T I O N M I N U T E S

51. Select RBF Consulting as primary and Boyle Engineering Corporation as alternate firms for Midway City street and storm drain improvements project; and authorize negotiation of agreement for Board approval - District 1

12345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

52. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

13245 **APPROVED AS AMENDED; CHANGED POSITION ON SB 430 FROM SUPPORT WITH AMENDMENT TO SUPPORT**

53. Approve agreement 03-012FA with Kelling, Northcross and Nobriga for financial advisory services - All Districts

13245 **APPROVED AS RECOMMENDED**

N

54. Consider issues and options on Contract Contingency - All Districts

B.O. **CONTINUED TO 7/29/03, 9:30 A.M.**

55. Adopt resolution approving Substitution of an Alternate Letter of Credit for California Irvine Coast Assessment District No. 88-1 Limited Obligation Improvement Bonds; and authorize execution of related documents - District 5

51234 **APPROVED AS RECOMMENDED**

RESO: 03-245

56. Approve standard loan agreement with Department of Navy, Naval Control Inventory Point for loan of A-4M Skyhawk Aircraft for MCAS El Toro Memorial - District 1

15234 **APPROVED AS RECOMMENDED**

57. Approve agreement 03-011BC with Orrick, Herrington & Sutcliffe for various bond counsel services - All Districts

12345 **APPROVED AS RECOMMENDED**

N

EXTERNAL RESTRUCTURING PROGRAM FOR THE COUNTY OF ORANGE

58. Receive and file Status Report; approve agreement with Santa Ana for annexation of unincorporated County territory - All Districts

41235 **APPROVED AS RECOMMENDED, DIRECTED STAFF TO RETURN TO THE BOARD WITH RECOMMENDED LANGUAGE IN THE PROPERTY TAX EXCHANGE RESOLUTION THAT WILL INSURE THAT THE COUNTY WILL NOT RECEIVE LOWER PROPERTY TAX REIMBURSEMENT AS A RESULT OF THE CREATION OF A REDEVELOPMENT AREA DURING THE TERM OF THE AGREEMENT**

S U M M A R Y A C T I O N M I N U T E S

IV. PUBLIC HEARINGS (Item 59)

HEALTH CARE AGENCY

59. Public Hearing to consider adopting resolution approving Animal Care Services fee schedule update; rescinding Resolution 02-220, effective 8/1/03; and make California Environmental Quality Act findings - All Districts
- B.O. **CLOSED PUBLIC HEARING**
- 12345 **APPROVED AS RECOMMENDED**
RESO: 03-246

V. CLOSED SESSION (Items CS-1-CS-7)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: Two Cases
- B.O. **HELD, NO REPORTABLE ACTION**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Victoria Madlambayan v. County of Orange, LB 00344592
- B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF VICTORIA MADLAMBAYAN V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Bunker v. County of Orange, et al., Court of Appeal Case No. G029383; OCSC Case No. 791799
- B.O. **HELD, NO REPORTABLE ACTION**
- CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Andaluz v. County of Orange, U.S. District Court Case No. 00-0474
- B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ANDALUZ V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

S U M M A R Y A C T I O N M I N U T E S

County Executive Office:

- CS-5 . PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer
B.O. **HELD, NO REPORTABLE ACTION**
- CS-6 . PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Public Defender
B.O. **HELD, NO REPORTABLE ACTION**
- CS-7 . CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section
54957.6:
Agency Negotiator: Susan Paul
Employee Organization: The Orange County Attorneys Association
B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Steve Stillwell and Elizabeth Ash - Oral Re: Submitted a petition regarding noise generated by commercial kennels near residential areas (Stanton area)

Marni Magda - Oral Re: Opposed Rancho Mission Viejo residential development project

Carol Jessee-Cushing - Oral Re: Questioned if Orange County had a policy establishing rewards for the apprehension of criminals

Larry Laven - Oral Re: Homeland Security issues

Darrell Nolta - Oral Re: Mental Health case issues

BOARD COMMENTS:

Supervisor Campbell - Oral Re: News article & comments on State Budget crises and proposals for tax increases

Supervisor Norby - Oral Re: Election System - directed staff to provide Board with a Status Report on plans for possible recall election

ADJOURNED: 11:50 A.M.

- 35124 Adjourned in memory of Al Spellmire
- 45123 Adjourned in memory of Chris Hickey
- 45123 Adjourned in memory of John Cronin
- 52134 Adjourned in memory of Jan H. Hill

S U M M A R Y A C T I O N M I N U T E S

*** KEY ***

Left Margin Notes

1. ✓ Supervisor Smith
2. ✓ Supervisor Silva
3. ✓ Supervisor Campbell
4. ✓ Supervisor Norby
5. ✓ Chairman Wilson

Right Margin Notes

- | | |
|------------------|-----------------|
| A. ✓ Abstained | O. ✓ Ordinance |
| X. ✓ Excused | R. ✓ Resolution |
| N. ✓ No | |
| BO ✓ Board Order | |

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board